

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MORRIS LEE LOVE,

Plaintiff,

vs.

SHAFFER, et al.,

Defendants.

1:21-cv-01380-GSA-PC

**ORDER FOR CLERK TO RANDOMLY
ASSIGN DISTRICT JUDGE TO THIS
CASE**

**FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS BE DENIED
(ECF No. 2.)**

OBJECTIONS, IF ANY, DUE IN 14 DAYS

I. FINDINGS

Morris Lee Love ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. On September 15, 2021, Plaintiff filed the Complaint commencing this action together with a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.)

In his motion to proceed *in forma pauperis*, Plaintiff reports that he has \$8,000.00 cash. (ECF No. 2 at 2 ¶ 4.) Accordingly, the court finds that Plaintiff can afford the \$402.00 filing fee. Therefore, Plaintiff's motion to proceed *in forma pauperis* should be denied and Plaintiff required to pay the statutory filing fee of \$402.00 for this action in full.

II. ORDER, RECOMMENDATIONS, AND CONCLUSION

The Clerk is directed to randomly assign a district judge to this case;

and

Based on the foregoing, **IT IS HEREBY RECOMMENDED** that:

1. Plaintiff's motion to proceed *in forma pauperis*, filed on September 15, 2021, be DENIED; and
2. Plaintiff be required to pay the \$402.00 filing fee for this action in full.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen (14) days** after the date of service of these findings and recommendations, Plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: September 20, 2021

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE